

REMARKS

Consideration and entry of the amendment and examination of the application is respectfully requested. Claims 2-11, 20, 21, 36-39, 46 and new claims 47-50 are pending. Support for the amendment to claim 36 and the new claims can be found at least at page 18, lines 1-20 and page 35, second full paragraph.

Objection to Disclosure

The disclosure was objected to at page 16, lines 4-24. This paragraph is amended as shown above moots the objection.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claim 36 has been amended, mooting the rejection. Claim 9 has been amended to moot the rejection.

Rejection Over References

Claims 2-5, 7-11, 21, 36-39 were rejected as allegedly being obvious over Gorynin in view of Rondeau optionally further in view of Ishida. Claims 2-11, 20-21, 36-39 were rejected as allegedly being obvious over Gorynin, in view of Rondeau and Ernest. These rejections are traversed.

It is believed that the amendment to claim 36 overcomes the rejections over the cited references. Claim 36 has been amended to recite a method for treating exhaust from an internal combustion engine using a carrier substrate having an anchor layer disposed thereon by electric arc spraying and catalytic material disposed on the carrier substrate in which the shape of the catalyst member is changed by conforming the shape of the catalyst member containing catalytic material by bending and/or compressing the catalyst member within an exhaust manifold or exhaust flow pipe. Gorynin, Rondeau and Ernest fail to teach or suggest such a method. None of the cited references teach conforming the shape of the catalyst member by bending and/or compressing the catalyst member within an exhaust manifold or exhaust flow pipe. A

Declaration is submitted together with this amendment (Galligan Declaration), which discusses the cited references at paragraphs 12-15. The Galligan Declaration shows that none of the cited references teach all of the limitations of amended claim 36, namely a method which includes conforming the shape of the catalyst member by bending and/or compressing the catalyst member within an exhaust manifold or exhaust flow pipe.

Regarding claim 46 and the Ernest reference, Ernest fails to teach or suggest a single substrate that has two regions of different densities. A review of Ernest at col. 3, lines 5-20 indicates that the coarse and fine filters are separate filters.

Rejection of claims 2, 6-11, 20-21, 36-39, 46 under 35 U.S.C. §103(a)

These claims were rejected as allegedly being obvious over Ernest in view of Ishida. This rejection is traversed. The amendment to claim 36 moots this rejection. These references are each addressed in the Galligan Declaration. Neither reference teaches or suggests a method which involves conforming the shape of the catalyst member by bending and/or compressing the catalyst member within an exhaust manifold or exhaust flow pipe. Withdrawal of the rejection is respectfully requested.

Rejection of claims 3-5 under 35 U.S.C. §103(a)

Claims 3-5 stand rejected as allegedly being obvious over Ernest '441 and Ishida '281 as applied to claims 2, 6-11, 20-21, 36-39, 46 above, and further in view of Donomoto et al. (4,798,770) or Draghi et al. (6,042,879). This rejection is traversed. Donomoto and Draghi are not relied upon for teaching being and/or compressing a catalyst member to conform its shape within an exhaust manifold or exhaust flow pipe, and neither reference addresses such a method. Accordingly, withdrawal of the rejection is respectfully requested.

Unexpected Results

In the event the Examiner does not find the amendments and comments above persuasive that the cited references do not establish a prima facie case of obviousness, it is respectfully submitted that the Galligan Declaration at paragraphs 5-10 establishes unexpected results of the

presently claimed invention. In particular, when a FlexTube type of catalyst member is bent to conform to the shape of an exhaust flow pipe, greatly increased HC and CO conversions were obtained. It is believed that the ability to bend the tube, thus enabling the tube to be placed in a close coupled position, facilitated improved conversions. As noted in the Galligan Declaration, other configurations of bendable catalysts would be expected to provide similar results.

It is not believed that any fees are due. However, if any fees are due, the USPTO is authorized to charge Deposit Account No. 05-1070.

The undersigned was authorized by Melanie L. Brown, Reg. No. 31592, an attorney of record in the subject application, to prepare and file this Amendment and Response on behalf of the Assignee. Correspondence should continue to be directed to Chief Patent Counsel, BASF Catalysts LLC, 100 Campus Drive, Florham Park, New Jersey 07932.

Respectfully submitted,

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